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14 Attorneys for Plaintiffs  
15 **RICK DISNEY AND PETER GRAFF**

16 UNITED STATES DISTRICT COURT  
17 EASTERN DISTRICT OF CALIFORNIA

18 RICK DISNEY an individual; and PETER  
19 GRAFF, an individual;  
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21 Plaintiffs,

**CASE NO: 1:14-CV-0095-LJO-JLT**

**AMENDED ORDER GRANTING  
STIPULATION TO CONTINUE  
SCHEDULING CONFERENCE**

(Doc. 28)

22 CITY OF TEHACHAPI, a municipality; Jeff  
23 Kermode, Chief of Police; Kevan Empey, an  
24 individual; Scott Kecham, an individual; Mike  
25 Christian, an individual; and DOES 1-11,  
26 Defendants.

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28 IT IS HEREBY STIPULATED, by and between Plaintiffs Disney and Graff and the  
29 Defendant City of Tehachapi, acting by and through their respective attorneys of record, as  
30 follows:

- 31 1. The current Mandatory Scheduling Conference is set for October 22, 2014.
- 32 2. Counsel for Plaintiffs has had an extremely busy calendar over the last 30 days.
- 33 3. Counsel for Plaintiffs and counsel for City have been meeting and conferring

regarding the Mandatory Scheduling Conference Joint Statement over the past two weeks.

2 4. Counsel for Plaintiffs is currently attempting service of the Summons and Second  
3 Amended Complaint upon the individual Defendants in this action, who have not yet been served.

4 5. Counsel for Plaintiffs suffered damage to his lower front teeth, including the  
5 breaking off of one tooth, approximately August 31, 2014. He had a temporary repair done on  
6 September 2, 2014, which failed on approximately September 3, 2014. It was again temporarily  
7 repaired on September 4, 2014.

8 6. Counsel was in trial from September 8, 2014 through September 12, 2014.

9 7. The temporary repair failed again on September 16, 2014. Counsel for Plaintiffs  
10 again consulted the dentist on September 17, 2014, and underwent the first of three 2-hour dental  
11 surgeries on September 18, 2014.

12 8. These problems interfered with the ability of counsel for Plaintiffs to complete the  
13 Mandatory Scheduling Conference Joint Statement.

14 9. Counsel for Defendant City and counsel for Plaintiffs believe that a continuance of  
15 approximately two weeks will allow for service of process on the remaining individual defendants  
16 and a more careful completion of the Mandatory Scheduling Conference Joint Statement.

17 10. For these reasons, counsel for Plaintiffs has requested and the Council for  
18 Defendant City has agreed to this stipulation to continue the Mandatory Scheduling Conference  
19 for at least four weeks to October 20, 2014, or such other day as is convenient to the Court's

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calendar. They further stipulate that the Mandatory Scheduling Conference Joint Statement be filed two weeks before the Mandatory Scheduling Conference.

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Dated: September 18, 2014

Samuel J. Wells, A.P.C.

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Attorneys for Plaintiffs, Rick Disney and Peter Graff

Dated: September 18, 2014

Liebert Cassidy Whitmore  
A Professional Law Corporation

\_\_\_\_\_  
/s/  
Jesse J. Maddox, SBN 29091  
Attorneys for Defendant City of Tehachapi

**ORDER**

Good cause appearing, the scheduling conference is **CONTINUED** to **November 6, 2014** at 9:30 a.m. The joint scheduling conference statement SHALL be filed no later than **October 29, 2014**. Telephonic appearances via the CourtCall service are authorized.

IT IS SO ORDERED.

Dated: September 22, 2014

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE